THE CONVEYANCER

AND

PROPERTY LAWYER

EDITORS

EDWARD F. GEORGE, LL.B.
Solicitor of the Supreme Court

ERNEST H. SCAMELL, LL.M.
of Lincoln's Inn, Barrister-at-Law

VOLUME 35

(New Series)

LONDON
SWEET & MAXWELL
1971

Published in 1971 by
Sweet & Maxwell Limited of
11 New Fetter Lane, London
and printed in Great Britain
by The Eastern Press Limited
of London and Reading

SBN 421 16420 4

©
Sweet & Maxwell Limited
1971

ARTICLES AND NOTES IN VOLUME 35

ADMINISTRATIVE LAW: PRECLUSIVE CLAUSES AND THE ANISMINIC CASE. By Keith Davies 316

ADVERSE POSSESSION AND CONCURRENT OWNERS OF LAND. By Graham Battersby 6

BUILT IN A NIGHT. By Ann R. Everton 249

CAUTIONABLE INTERESTS. By S. Robinson 21

CONVEYANCER'S NOTEBOOK 1, 69, 141, 225, 305, 385

DISCRETIONARY TRUSTS AND ESTATE DUTY. By Harvey Cohen 82

EASEMENTS AND UNCERTAINTY. By E. H. Bodkin 324

ENGINES OF FRAUD AND OCCUPATIONAL HAZARDS. By Ian Leeming 255

ESTATE CONTRACTS AND THE LAND CHARGES COMPUTER. By J. F. Adams 155

LAND REGISTRATION AND LAND CHARGES ACT 1971. By Theodore Ruoff and Peter Meehan 390

EXPENSES OF THE MATRIMONIAL HOME. By Gareth Miller ... 332

FAMILY PROVISION ON DEATH. By F. S. Hopkins 72

FORCIBLE ENTRY AND DETAINER. By I. R. Scott 243

LEASES AND PARTNERSHIPS. By James Goudie 17

LIFE ASSURANCE AND ESTATE DUTY SAVING. By Andrew Thornhill 145

NEW HIGHWAY ACQUISITION POWERS. By J. F. Garner ... 414

NON EST FACTUM. By Richard J. Bragg 231

NOTES OF RECENT CASES:

Landlord and Tenant 57, 128, 210, 291, 365, 430
Real Property and Conveyancing ... 44, 123, 183, 277, 352, 427
Revenue 130, 220, 375
Trusts 198, 290, 362
Wills 207, 379

OPERATIONS ON LAND AND THE CONCEPT OF DEVELOPMENT. By Robert Burgess 399

POWERS OF ATTORNEY ACT 1971. By Alec Samuels 310

PRIORITIES OF INTERESTS IN REGISTERED LAND. By S. Robinson 100, 168

REFORMS OF THE LAND LAW—NORTHERN IRELAND STYLE. By J. F. Garner 92

SPECIAL RULES RELATING TO SERVICEMEN'S ESTATES. By N. J. Ley 420

BOOKS REVIEWED IN VOLUME 35

Argent: Death Duty Mitigation 436
Garner: Alteration and Conversion of Houses 67
George: Sale of Flats 66
Hill and Redman: Landlord and Tenant 137
Hughes and Graham: Corporation Tax 140
Hughes and Tingley: Capital Gains Taxation 140
Magnus: Business Tenancies 384
Megarry: Rent Acts (Supplement) 304
Sims: Stamp Duty Changes 140
Williams and Mortimer: Executors 303
Woodfall: Landlord and Tenant (Supplement) 67
Whiteman and Wheatcroft: Income Tax and Surtax 139
Wurtzburg and Mills: Building Societies 139

LIST OF CASES NOTED IN VOLUME 35

Abrahams *v.* Wilson, 365
Arlesford Trading Co. *v.* Servansingh, 373
Att.-Gen. *v.* Shonleigh Nominees, 428

Beachway Management *v.* Wisewell, 124
Berkeley Rd. (88), London, *Re*, 183
Bigg *v.* Boyd Gibbins, 277
Brown *v.* Gould, 430
Buswell *v.* Goodwin, 219

Calgary & Edmonton Land Co. *v.* Discount Bank Overseas, 186
Cardshops *v.* Davies, 368
Charrington *v.* Simons & Co., 286
Collins' Will Trusts, *Re*, 207
Cracknell *v.* Cracknell, 428
Crouch & Lees *v.* Hardas, 434
Crow *v.* Wood, 54
Cuckmere Brick Co. *v.* Mutual Finance, 281

Danish Bacon Co. Staff Pension Fund, *Re*, 205
Davis *v.* Vale, 354
Drake, *Re*, 379

Earle's Settlement Trusts, *Re*, 363
Erskine's Settlement Trusts, *Re*, 201

Falconer *v.* Falconer, 45
Feather Supplies *v.* Ingham, 433
Fleming *v.* Associated Newspapers, 132

Grafton Street (14), London, *Re*, 212
Green Lane (462), Ilford, *Re*, 185
Griffiths *v.* Young, 55

Hall *v.* Hall, 195
Hastings & Thanet Building Society *v.* Goddard, 48
Heath *v.* Drown, 210
Heseltine *v.* Heseltine, 198
Hodgson *v.* Marks, 49, 291
Horton *v.* Kurzke, 280

I.R.C. *v.* Brander & Cruickshank, 222
I.R.C. *v.* Richards' Executors, 375

Jackson *v.* Jackson, 127
Johnston *v.* Heath, 130
Jolliffe *v.* Wilmett & Co., 196
Jones *v.* Jones, 288

Keller (Samuel) (Holdings) *v.* Martins Bank, 52

Lewis (Jenkin R.) & Son *v.* Kerman, 57
Liss (Land at), *Re*, 367
Lloyd *v.* Stanbury, 278
London & Cheshire Insurance Co. *v.* Laplagrene Property Co., 188
Lory *v.* Brent B.C., 371
Lotus *v.* British Soda Co., 184

McCarthy & Stone *v.* Julians, Hodge & Co., 357
Meadows (Thomas) & Co. Staff Pention Scheme Rules, *Re*, 203
Meldrum *v.* Meldrum, 126
Midland Ry.'s Agreement, *Re*, 297
Mills *v.* Edwards, 294
Morris *v.* Tarrant, 352
Murawski's Will Trusts, *Re*, 383
Mykolyshyn *v.* Noah, 60

National Westminster Bank *v.* Allen, 427
Nye (C. L.), *Re*, 123

Odeon Associated Theatres *v.* Jones, 376

Park, *Re*, 377
Peay *v.* Newton, 220
Peck *v.* Anicar Properties, 215
Plymouth Corporation *v.* Harvey, 299
Poppetts (Caterers) *v.* Maidenhead B.C., 64

R. *v.* Tottenham Districts Rent Tribunal, 128 432
Recher's Will Trusts, *Re*, 381
Rhodes *v.* Dalby, 360
Rodwell, *Re*, 208
Royal Bank of Scotland *v.* Citrusdal Investments, 434
Rushton, *Re*, 356
Rutherford *v.* Rutherford, 44

Scott *v.* Bradley, 287
Shell-Mex & B.P. *v.* Manchester Garages, 300
Sheridan *v.* Dickson, 62
Skinner *v.* Berry Head Lands, 135
Sun Alliance Assurance Co. *v.* I.R.C., 223

Tarr *v.* Tarr, 194
Tehidy Minerals *v.* Norman, 282
Tinker *v.* Tinker, 47
Tormes Property Co. *v.* Landau, 59

Wellington's Parliamentary Estates, *Re*, 362
Whigham's Settlement Trusts, *Re*, 291
Williams *v.* Williams, 63, 289
Wilson *v.* Greene, 192
Wolf *v.* Crutchley, 217

Zenith Investments (Torquay) *v.* Kammins Ballrooms Co., 370
Zimmerman *v.* Grossman, 291